

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10672 of 2001

Between:

- 1 Smt. Habeeba Shahnaz, W/o. Jafaruddin,
R/o. H.No.8-1-523/B/58, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 2 M.A.Subhan, S/o. M.A.Rahman,
R/o. H.No.8-1-523/B/57, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 3 Syed mahmood Hasan, S/o. Syed Hasan Ali,
R/o. H.No.8-1-523/B/33, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 4 Smt. Noorunnisa, W/o. Mir Waheeduddin Ali Khan,
R/o. H.No.8-1-523/B/54, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 5 Mohd. Faheen, S/o. Late Mohd.Habeeb,
R/o. H.No.8-1-523/B/54/1, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 6 Smt. Sayyada Salema Rafath, W/o. Mohd.Khaja Rouhullah Rafath,
R/o. H.No.8-1-523/B, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 7 Mohammed Ibrahim, S/o. Mohd. Dastagir,
R/o. H.No.8-1-523/B/61, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 8 M.D.Muslehuddin Roomi, S/o. Late M.D.Azeemuddin Roouri,
R/o. H.No.8-1-523/B/60, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 9 M.A.Farooq, S/o. M.A.Gafoor,
R/o. H.No.8-1-523/B/59, Virathnagar,
Shaikpet Mandal, Hyderabad District.
- 10 Syed Sadath, S/o. Syed Hussain,
R/o. H.No.8-1-523/B, Virathnagar,
Shaikpet Mandal, Hyderabad District.

..... PETITIONERS

AND

- 1 S.H.O. Banjara Hills P.S.,
Banjara Hills, Hyderabad.
- 2 Sub-Inspector of Police, Banjara Hills P.S.,
Banjara Hills, Hyderabad.
- 3 Commissioner of Police,
Purani Haveli, Hyderabad.
- 4 Syed Akhtar, S/o. Syed Imam,
R/o. 9-4-77/11, Nizam Colony,
Toli Chowki, Hyderabad.
- 5 P.Laxmaiah, S/o. pentaiah,
R/o. 8-1-106, Shaikpet Village,
Hyderabad.
- 6 Kausar Mohiuddin, S/o. Mohd. Mohiuddin,
R/o. 9-4-29/C, Hakeempet,
Towlichowki, Hyderabad.
- 7 Ahmed Jani,
R/o. 9-4-4/59, Hakeepet,
Towlichowki, Hyderabad.
- 8 Omkar,
R/o. 9-4-4/1, Hakeempet,
Towlichowki, Hyderabad.
- 9 Majeed Khan, S/o. Mohd. Omar,
R/o. 9-4-4/C, Hakeempet,
Towlichowki, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 and 2, threatening to forcibly evict the Petitioners from their houses bearing Nos. (1) 8-1-523/B/58; (2) 8-1-523/B/57; (3) 8-1-523/B/33; (4) 8-1-523/B/54; (5) 8-1-523/B/54/1, (6) 8-1-523/B; (7) 8-1-523/B/61; (8) 8-1-523/B/60; (9) 8-1-523/B/59 and (10) 8-1-523/B, respectively situated at Virathnagar, Shaikpet Mandal, Hyderabad District, as illegal, void, unbecoming of the behaviour of a disciplined force, and consequently direct them not to interfere in Civil disputes and not to dispossess the Petitioners from their respective premises (1) 8-1-523/B/58; (2) 8-1-523/B/57; (3) 8-1-523/B/33; (4) 8-1-523/B/54; (5) 8-1-523/B/54/1, (6) 8-1-523/B; (7) 8-1-523/B/61; (8) 8-1-523/B/60; (9) 8-1-523/B/59 and (10) 8-1-523/B, situated at Virathnagar, Shaikpet Mandal, Hyderabad District.

Counsel for the Petitioners: MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent Nos.1 to 3: G.P. for Home

Counsel for the Respondent Nos.4 to 9: MR.T.SANKARA RAO

The Court made the following :

ORDER:

The petitioners claimed to be absolute owners and possessors of different houses. It appears there is a dispute between the petitioners on one hand and respondents 4 to 9 on the other hand with regard to the said houses. In this writ petition, the petitioners allege that respondents 1 to 3 are threatening to forcibly evict the petitioners at the behest of respondents 4 to 9. Therefore, they seek a direction to the respondents 1 to 3 not to interfere with the possession.

The Sub Inspector of Police, P.S., Banjara Hills, the second respondent, filed a counter affidavit stating that there is no complaint filed against the petitioners and therefore police never interfered with the possession nor made attempts to evict the petitioners as alleged. The counter averments are not denied by filing reply affidavits. Therefore, the writ petition must be held to have been filed on mere surmises without there being any factual foundation.

The writ petition is accordingly dismissed.

(V.V.S.RAO,J)

22.06.2005.

pln

To

1. The Station House Officer, Banjara Hills P.S., Hyderabad.
2. The Sub Inspector of Police, Banjara Hills P.S., Hyderabad.
3. The Commissioner of Police, Purana Haveli, Hyderabad.
4. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.

